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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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**MAR 29 2004**

FILE:

Office: Texas Service Center Date:

IN RE:

Applicant:

APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration  
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. This case will be remanded.

The applicant is a native and citizen of El Salvador who filed his application for Temporary Protected Status (TPS) on May 31, 2001. Subsequently, on May 31, 2001, the applicant was notified to appear for his scheduled fingerprint appointment.

On January 23, 2003, the director denied the application for TPS under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, due to his abandonment of the application. The director's conclusion was based on the applicant's failure to appear for his scheduled fingerprint appointment.

On February 7, 2003, the applicant filed an appeal stating that he had never received a notice about his appointment. However, as his application was denied based on abandonment, it may be not appealed. Thus, the case will be remanded to the director for consideration as a motion to reopen.

It is noted that the applicant was ordered removed in absentia on February 8, 2000, at Atlanta, Georgia, based upon his apprehension at Laredo, Texas, on December 3, 1998.

**ORDER:** The case is remanded to the director for further action consistent with the above and entry of a decision.